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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **MARK TITCH,**

Petitioner,

17 v.

18 **ROBERT HERNANDEZ, WARDEN,**

Respondent.

08-CV-0654 J (Wmc)

DECLARATION OF LINNEA D. PIAZZA IN SUPPORT OF RESPONDENT'S EX PARTE APPLICATION FOR AN EXTENSION OF TIME TO FILE THE ANSWER TO THE PETITION FOR WRIT OF HABEAS CORPUS.

Judge: The Honorable
William McCurine,
Jr.

22
23 I, Linnea D. Piazza, hereby declare and state:

24 1. I am an attorney at law, duly admitted and licensed to practice law in this Court. I am
25 employed as a deputy attorney general for the State of California. In that capacity, I am the
26 attorney representing Respondent in this matter. The following facts are based on my own
27 personal knowledge, except for those facts based on information and belief, which I believe to be
28

1 true. If called upon as a witness to testify, I could and would, competently testify about the
2 following facts.

3 2. On April 22, 2008, the Court issued an Order requiring an Answer to the Petition for
4 Writ of Habeas Corpus no later than June 24, 2008.

5 3. Upon receiving the Court's Order, a paralegal in our office requested the relevant
6 inmate records from the institution where Petitioner is incarcerated, and the relevant California
7 state court records. However, as of the date of this declaration, the institutional records, the
8 California Superior Court Petition and Opinion, and the Appellate Court Petition and Opinion
9 have not yet been received by our office. I reasonably anticipate that it will take some time to
10 receive and review these documents.

11 4. Respondent has requested the Court stay the proceedings pending issuance of the
12 mandate in *Hayward*. To Respondent's knowledge, the Court has not yet ruled on Respondent's
13 stay request.

14 5. Should the Court deny Respondent's request for a stay, Respondent will require
15 adequate time to prepare a proper response to the Petition. Review and receipt of the relevant
16 inmate and state court records is necessary for me to address the claims raised in the Petition, as
17 well as comply with the Court's Order to lodge all records bearing on the merits of Petitioner's
18 claims.

19 5. Accordingly, should the Court deny Respondent's request for a stay, Respondent
20 respectfully requests a thirty-day extension of time from the date of the denial to file his Answer
21 to the Petition for Writ of Habeas Corpus.

22 6. Respondent has not previously requested an extension of time in this matter.

23 7. I do not believe that Petitioner will be prejudiced by this extension of time. This
24 request for an extension of time is based on good cause as described above and is not made for
25 the purpose of harassment, or to create undue delay or for any other improper reason whatsoever.

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8. Petitioner, who is incarcerated, will be served with a copy of this ex parte application at the address he provided to the Clerk of this Court.

3 I declare under the penalty of perjury and the laws of the United States of America that
4 the foregoing is true and correct. Executed this 19th day of June, 2008, at San Diego, California.

5 | /s/ Linnea D. Piazza

6
LINNEA D. PIAZZA

6 70128017.wpd
SD2008700434

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Titch v. Hernandez**

No.: **08-CV-0654 J (Wmc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 19, 2008, I served the attached **DECLARATION OF LINNEA D. PIAZZA IN SUPPORT OF RESPONDENT'S EX PARTE APPLICATION FOR AN EXTENSION OF TIME TO FILE THE ANSWER TO THE PETITION FOR WRIT OF HABEAS CORPUS**. by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

MARK WAYNE TITCH
CDC # B-89549
RICHARD J. DONOVAN
CORRECTIONAL FACILITY AT ROCK
MOUNTAIN
480 ALTA ROAD
SAN DIEGO, CA 92179

IN PRO PER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 19, 2008, at San Diego, California.

S. Banks

Declarant


Signature